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October 23, 1914

HOUSTON, TEX.<sup>1</sup>**City Health Department—Organization—Officers and Employees—Powers and Duties. (Ord. Mar. 3, 1914.)**

ARTICLE 1. SECTION 1. *Creation of; duties of members.*—That there is created a health department, the officers and employees of which, being charged with the duty of enforcing all the ordinances relating to "health," and such other duties as are now or may hereafter be placed upon them by the mayor or city council or by the ordinances.

SEC. 2. *Composition of department.*—That the health department shall consist of the board of health, a health officer, an assistant health officer, a city chemist and bacteriologist, a milk inspector, a quarantine inspector, a city scavenger, a superintendent of garbage, a city druggist, a chief sanitary inspector, and such sanitary inspectors and employees as may be necessary and may be allowed by the mayor and city council.

SEC. 3. *Creation of offices.*—That there is created the office of health officer, assistant health officer, city chemist and bacteriologist, milk inspector, quarantine inspector, city scavenger, superintendent of garbage, chief sanitary inspector, and sanitary inspectors.

SEC. 4. *Appointment of officers and employees.*—That the health officer shall be appointed by the mayor and confirmed by the city council; that the other officers and employees shall be appointed by the mayor; that each and all of said officers shall, before entering upon the discharge of the duties of his office, take the constitutional oath of office.

SEC. 5. *Health officer; official bond.*—That the health officer shall be a duly and regularly licensed physician and surgeon in good standing, and shall, before entering upon the discharge of the duties of his office, execute and deliver to the city of Houston, and thereafter when required so to do by the mayor, a bond in the sum of \$2,000, payable to the said city of Houston, with at least three good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the mayor, conditioned that the said health officer shall faithfully perform and discharge all of the duties now or which may hereafter be required of him by law, or by the charter or ordinances of the city of Houston, or by the mayor or by the city council, which said bond shall provide that all the conditions of same are to be performed in Houston, Harris County, Tex., and that any suit prosecuted and maintained thereon shall be prosecuted and maintained in said Harris County, Tex., and that in case of any recovery thereon the obligors agree to pay the expense incurred by or imposed upon the said city of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted.

SEC. 6. *Health officer; duties; powers.*—That in addition to the duties imposed, and the powers and authority conferred, upon the health officer by the ordinances of the city of Houston, he shall perform the duty and exercise the powers as follows: He shall be the executive officer of the board of health and, as such, be charged with the enforcement of the ordinances of the city of Houston and the rules and regulations of the city and State board of health relating to all matters of health; he shall, with the approval of the mayor and city council, the board of health, and the civil-service commission, make such rules and regulations for the government and control of the officers and employees of his department as he may deem advisable, and as the head of the department, shall have such direction, supervision, and control of such officers and employees. He shall be authorized, with the approval of the mayor, to suspend any officer or employee of the health department for insubordination or inattention to or neglect of duty, or violation of the ordinances or rules and regulations of the board of health until he

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<sup>1</sup> From "Health ordinances of the city of Houston, Tex.," compiled by E. P. Phelps.

has been removed, discharged, or reinstated, and during the time of such suspension unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary. He shall keep a careful watch upon the drainage and sewerage system of the city and promptly report to the board of health any needed changes for the promotion and maintenance of public health. He shall make a full report to the city council once each month concerning the sanitary conditions of the city, with a statement of all deaths occurring in the city since the date of his last report; he shall supervise the operation of the garbage crematory as part of his department.

SEC. 7. *Assistant health officer; duties.*—That the assistant health officer shall possess the same qualifications as the health officer, and shall perform and discharge such duties as are or may be prescribed by the ordinances, by the board of health and the health officer, and in the absence or inability of the health officer, discharge and perform the duties and exercise the authority of the health officer.

SEC. 8. *City chemist and bacteriologist; duties.*—That the city chemist and bacteriologist, also called city pathologist, shall be a person skilled in the science of analytical chemistry and bacteriology, and a practical chemist, and he shall be charged with the duty of enforcing the ordinances regulating the sale, etc., and the sanitary conditions, etc., of milk, and milk products; the manufacture of ice cream; the sale of pure food and drugs; the sanitary conditions, etc., of food products, and, generally, of ordinances usually referred to as "pure food and drug ordinances"; and he shall also perform and discharge such other duties as are or may be prescribed by the ordinances, the board of health or the health officer, mayor, or city council.

SEC. 9. *Milk inspector; duties.*—That the milk inspector shall be under the direction, supervision, and control of the city chemist and bacteriologist, and shall be charged with the enforcement of all ordinances regulating the sale of milk and milk products, the sanitary condition of milk and milk products, and all other ordinances wherein he is specially named, and shall perform and discharge such other duties as he may be called upon to perform by the board of health, city chemist, and bacteriologist, health officer, mayor or city council.

SEC. 10. *Quarantine inspector; duties.*—That the quarantine inspector shall be under the direction, supervision, and control of the board of health and the health officer, and shall perform such duties as he may be called upon to perform by it or him, or by the mayor or city council.

SEC. 11. *City scavenger; bond; duties; powers; authority.*—That the city scavenger shall be under the direction, supervision, and control of the health officer and shall perform such duties under his direction and the direction of the board of health as are now or may hereafter be imposed upon him by the ordinances. The said city scavenger shall enter into a bond payable to the city of Houston with three good and sufficient sureties or a surety company authorized to do business in Texas, in the sum of \$2,000, to be approved by the mayor, conditioned that he shall faithfully perform and discharge all of the duties now or which may hereafter be required of him by law, or by the charter and ordinances of the city of Houston, or by the mayor or by the city council, or by the board of health, or by the health officer, and that he shall pay over, and promptly account for, all moneys received or collected by him, or his department, for the city. The said bond shall provide that all the conditions are to be performed in Harris County, Tex., and that suit thereon may be prosecuted and maintained in said Harris County, Tex., and that in case of recovery thereon, the obligors agree to pay the expense incurred by, or imposed upon, the said city of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. He shall, with the approval of the mayor and health officer, make suitable rules and regulations for the proper working of the scavenger carts or wagons and shall direct, control, and supervise the work of the sanitary inspectors engaged in the scavenger work, and shall look after

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the upkeep and care of the harness, tools, and other equipment and animals of said department, and generally oversee and look after the proper working of the sanitary inspectors, and other employees, and carts and wagons, in his branch of the health department.

SEC. 12. *Superintendent of garbage; duties.*—That the superintendent of garbage shall be under the direction, supervision, and control of the board of health and the health officer, and he shall diligently superintend the works of both men and teams engaged in the removal of garbage, and while so doing he shall carefully note the condition of streets, bridges and crossings throughout the city and report the same to the street commissioner, and shall perform such other duties as may be required of him by the board of health, health officer, mayor, or city council.

SEC. 13. *Chief sanitary inspector; duties; authority.*—That the chief sanitary inspector, or chief health inspector, shall be the executive head of the sanitary inspectors, and under the direction, supervision, and control of the health officer and the board of health, and shall have the direction, supervision, and control over them, with the exception of those engaged in the scavenger branch; that he and the sanitary inspectors shall also perform and discharge such other duties as they may be called upon to perform by the board of health or the health officer. The chief sanitary inspector shall have all the power and shall perform all the duties of a sanitary inspector.

SEC. 14. *Sanitary or health inspectors; duties; authority; badges; definition terms; offense to fail or refuse to obey; penalty; bond of those working under scavenger.*—That the sanitary inspectors, in addition to the duties with which they are already charged with performing, and the authority conferred upon them by the ordinances and such other duties as they may be directed to perform by the board of health, or health officer, shall perform and discharge the duties and exercise authority as follows:

(a) They shall have the right and it shall be their duty to enter upon the premises, dwellings, and outhouses of any and all persons in the city of Houston and inspect same and to enter the residences, dwellings, business houses, or places of business, or houses of whatsoever nature where there are water connections to inspect said water connections and premises generally, provided, that application be first made to the owner or occupant of said premises for permission to enter for the inspection of same, and to order the removal of any nuisance or any substance likely to create a nuisance or to be injurious to the public health, and to order any repairs necessary to prevent the waste of water, of any water connections in and upon said premises; said sanitary inspectors or health inspectors shall generally assist in enforcing the health ordinances and the adopted sanitary rules of the city, and shall be vested with all the powers of ordinary policemen or peace officers, with the right and privilege to make arrests for violations of law, and it is made their duty to make said arrests in cases where other police officers of the city of Houston are authorized so to do, and shall perform such other duties as may be required of them by the mayor or city council of the city of Houston.

Upon refusal of any owner or occupant of any premises to allow any sanitary inspector or health inspector to enter same for the purpose of making any inspections, it shall be the duty of said sanitary inspector and health inspector to report said refusal, giving the name and city address of the occupant of said premises to the water commissioner, who is hereby, in addition to other penalties provided by the ordinances, empowered to discontinue the water supply of said owner or occupant so refusing to allow any inspection by a sanitary inspector.

(b) They shall wear a badge of the size and pattern now used by the police officers of said city, on which shall appear the words "sanitary police," together with the number of the badge engraved thereon.

(c) The terms "sanitary inspector," "health inspector" and "sanitary policeman" are used interchangeably and denote and indicate the same officers.

(d) That any person who shall fail or refuse to obey the orders of a sanitary inspector or health inspector, respecting the removal of a nuisance, or the cleaning of premises, or the cutting of weeds and grass, as required in this code of ordinances, after due notice to do so has been given in writing to said person to remove such nuisance, or clean such premises, or cut such weeds and grass, shall, upon the expiration of 24 hours after the time specified in said written notice within which said work shall be done, be subject to a fine of not less than \$1 and not exceeding \$10; said fine to be imposed in the corporation court of the city of Houston, and each day's disobedience of such order or failure to clean such premises, remove the nuisance, or cut the weeds and grass, as may be ordered, shall constitute a separate offense.

(e) That each sanitary inspector working under the city scavenger shall make to him, at the close of each day, a report showing what premises he has inspected that day, and he shall also, each day, report to the city scavenger and pay in to him, all money collected by him for the city; said report shall show the name and address of all persons from whom any money has been collected, and for what purpose the money was collected. That such sanitary inspector so working under the city scavenger shall enter into a bond in the sum of \$500, payable to the city of Houston, executed, conditioned, and payable in all respects as the bond required to be executed by the city scavenger. Said bond shall also provide that if the city scavenger is required to pay to the city of Houston any amount on account of money collected by said inspector, and not paid in to the city, then such city scavenger, his heirs, assigns, or bondsmen shall each have a cause of action for such amount so paid on said bond and against the sureties thereon.

**SEC. 15. *City druggist; duties.***—That the city druggist shall be a person skilled in the science of pharmacy and a practical pharmacist and druggist and shall perform and discharge such duties as are now or may be prescribed by the board of health, or health officer, and shall fill the prescriptions of the health officer, and, under the direction, supervision, and control of the health officer, shall have charge of the city dispensary; the keeping of all records and vital statistics, and shall perform the duty of chief clerk to the health officer.

**SEC. 16. *Salaries of officers and employees of.***—The monthly salaries of the officers and employees of the health department, beginning with the month of March, 1914, shall be as follows:

Health officer.....	\$300	Quarantine inspector.....	\$115
Assistant health officer.....	125	Superintendent of garbage.....	135
City chemist and bacteriologist.....	150	Chief sanitary inspector.....	125
City scavenger.....	150	Sanitary inspectors.....	100
Milk inspector.....	115	Garbage inspector.....	100
City druggist.....	115	Clerk of the scavenger division.....	100

*Provided*, That hereafter the salaries of the sanitary and garbage inspectors each shall be graduated and paid at the following rate on the following conditions: For the first six months, he shall receive \$75 per month, and if he be able to show a good report for obedience, attention to duty, and efficiency, and can stand the necessary examination prescribed by the civil service commission, he shall then be paid \$82.50 per month, and at the end of a second six months' period, if he is able to show a good report for obedience, attention to duty, and efficiency, and can stand the required examination prescribed by the civil service commission, he shall then be considered a "full-fledged" inspector, and shall thereafter be entitled to be paid the sum of \$100 per month: *Provided*, That the employees now serving the city as garbage and sanitary inspectors will continue to receive during their service the sum of \$100 per month, but they will, nevertheless, be required to stand the examinations prescribed by the civil service commission and be able to show a good report for obedience, attention to duty, and efficiency required above.

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SEC. 17. *Compensation of other employees.*—That the compensation of all other employees of the health department shall be such as may be fixed by the mayor and city council from time to time.

SEC. 18. *Bonds may be required of other officers and employees of.*—That the health officer and mayor may require any officer or employee of the health department handling, receiving, or collecting moneys belonging to the city of Houston to execute and deliver to the city of Houston a bond in such sum as they may deem proper and sufficient, which bond shall be payable to the city of Houston, with at least three good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the mayor and to contain the same conditions and provisions as are provided for in the case of the city scavenger, and further conditioned, giving the city scavenger or other officer responsible for the acts of such officer or employee the same right of suit as provided in case of sanitary inspectors working under the city scavenger.

SEC. 19. *Payment of fees and money received or collected.*—That all fees or moneys collected or received by officers and employees of the health department or coming into their possession belonging to the city of Houston shall be paid over to the assessor and collector of taxes daily, and such daily and monthly reports made as are required by the ordinances.

SEC. 20. *Sanitary or health code to control this article.*—That all ordinances and parts of ordinances in conflict herewith be, and the same are hereby, repealed, but it is not intended hereby to, in any manner, repeal or affect that certain ordinance establishing a sanitary health code passed by the city council on January 26, 1914, but such ordinance is to remain in full force and effect, and this ordinance is only for the purpose of creating and organizing a health department, and in case of any conflict between it and said health code, the latter shall control and govern.

**Board of Health—Organization, Powers, and Duties—Health Officer—Chemist and Bacteriologist. (Ord. Jan. 26, 1914.)**

ART. 2. SEC. 20A. *Creation of, composition, appointment, terms of office, health officer, ex officio member.*—There is hereby established for the city of Houston, Harris County, Tex., a board of health to consist of five representative physicians and one layman. No salary or other compensation shall be paid to members of said board. Four members shall constitute a quorum, but a less number may adjourn from time to time, such adjourned meetings to have the same character as the original meeting would have had had it been held. Members of the said board shall be appointed by the mayor, subject to confirmation by the city commissioners, and shall hold office for the term of two years: *Provided*, That after the passage of this ordinance three members shall be appointed for one year and the other three for two years, as vacancies occur. Vacancies occurring in the board shall be filled by the mayor for the unexpired term. The city health officer shall be ex officio a member of the board of health with the same privileges as other members.

SEC. 21. *Meetings; power to make orders at; measures preventing spread of contagious, etc., diseases; no power to create liability against city; health officer to enforce orders.*—Said board shall hold at least one regular meeting each month, at such time and place as they may decide, and shall from time to time hold such special meetings as they may deem necessary, and shall have power at such meetings to make all orders as they deem necessary for the maintenance of the public health, for cleansing or discontinuance of all groceries, breweries, cellars, factories, tanneries, stables, barns, privies, vaults, cesspools, sewers, wells, slaughterhouses, butcher shops, rendering and boiling establishments, pig pens, and all other nauseous or offensive buildings and structures, and the suppression and abatement of all nuisances, whether upon public grounds or private premises, affecting or endangering, in the opinion of the said board, the public health; take all necessary measures to prevent the spread of contagious diseases by